

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 19, 2005

DIVISION ONE

B177368 People v. Nielsen
B178253 People v. Nielsen

Filed order consolidating above captioned appeals.

DIVISION TWO

B166352 M.J. Benjamin, Inc. (Not for Publication)
 v.
 Diana M. Bonta , as Director, etc. et al.

The judgment is affirmed. The Department shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
 Doi Todd, J.

DIVISION THREE

B168733 Paula Mary Campbell et al. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Myra H. Belfiore et al., r.p.i.)

The petition is denied. Costs awarded to real party in interest.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (Continued)

B168866 Grigor Gaboyan (Not for Publication)
 v.
 Azatui Charchayan

The order is reversed with directions to enter an order vacating the dismissal and reinstating the complaint. No costs are awarded.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B156726 Roy Al Finance & Loan Company et al. (Not for Publication)
 v.
 Rastegar & Matern et al.

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B172407 Morrisseau et al. (Not for Publication)
 v.
 Andrade

The order denying the petition is reversed and the matter remanded to the superior court with orders to conduct a hearing allowing testimony in support of and in opposition to the petitions. Each party is to bear his or her own costs.

Hastings, J.

We concur: Epstein, P.J.
 Curry, J.

January 19, 2005 (Continued)

DIVISION FOUR (Continued)

B177183 People (Not for Publication)
v.
Panduro

The order is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B172589 People (Not for Publication)
v.
Daniel F.

The order is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B170391 Renfrew
v.
CalNorth Reporting Service, LLC

Filed order denying petition for rehearing.

DIVISION FIVE

B179856 Renee Braswell
v.
JOL Management Company, Inc.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed December 9, 2004) dismissed.

DIVISION FIVE (Continued)

B175345 Massoud Assef et al. (Not for Publication)
 v.
 Mathew Yang

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur: Armstrong, J.
I dissent: Mosk, J. (Opinion)

DIVISION SIX

B170252 Brown (Yana)
 v.
 Yana

Filed order modifying opinion. Respondent's petition for rehearing is denied. (No change in the judgment). Yegan, J. would grant rehearing.

B175940 People (Not for Publication)
 v.
 Sanders

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

January 19, 2005 (Continued)

DIVISION SIX (Continued)

B173725 People (Not for Publication)
v.
Kabey

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B169224 People v. Brock (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

January 19, 2005 (Continued)

DIVISION SIX (Continued)

B176726 People (Not for Publication)
v.
Navarro

The judgment (order denying suppression motion) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B171431 People (Not for Publication)
v.
Wright

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B174867 People (Not for Publication)
v.
Dear

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

January 19, 2005 (Continued)

DIVISION SIX (Continued)

B175448 People v.
Taylor

(Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B177308 Child Protective Services (Not for Publication)
v.
Bradley S.

The order is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B172437 People
v.
Patrick

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN (Continued)

B173658 People v. Salgado (Not for Publication)

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B167869 People (Not for Publication)
v.
Flores

The victim restitution order is reversed; and the cause remanded for a restitution hearing. In all other respects the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B170972 People (Not for Publication)
v.
Horton

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B171651 Johnson (Not for Publication)
v.
Mustafa

The order is reversed with directions to enter an order granting the motion to set aside the default judgment and the default. Appellant to recover costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B172009 A/R Capital et al. (Not for Publication)
v.
Good Nite Inn et al.

The appeal as it relates to GNI is dismissed. The judgment with respect to McNab alone is reversed and remanded for further proceedings not inconsistent with this opinion. In all other respects the judgment of September 26, 2003, including the court's orders of July 23, 2001, November 18, 2001, February 8, 2002 and March 1, 2002, is affirmed. GNI is to recover its costs on appeal. All other parties are to bear his and its own costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION EIGHT

B177407 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B169058 Sanchez (Not for Publication)
v.
The Twelve Chairs Investment Company, Inc.

The judgment is affirmed. Costs are awarded to Sanchez.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B164418 Persson (Certified for Publication)
B167179 v.
B172749 Smart Inventions, Inc. et al.

The judgment against Jon Nokes is reversed to the extent it awards damages for breach of fiduciary duty, and is otherwise affirmed. The judgment against Smart Inventions on the cause of action for fraud by concealment is affirmed. The order awarding attorney fees is reversed and the cause is remanded to the trial court for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Flier, J.